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ARCHWAY BROADWAY LOAN SPE, LLC
7

8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **LOS ANGELES DIVISION**
11

12 In re
13 SEATON INVESTMENTS, LLC, *et al.*,
14 Debtors and Debtors-in-
15 Possession.

16 Affects:

- 17 ☒ All Debtors
18 ☐ Seaton Investments, LLC
19 ☐ Colyton Investments, LLC
20 ☐ Broadway Avenue Investments, LLC
21 ☐ SLA Investments, LLC
22 ☐ Negev Investments, LLC
23 ☐ Alan Gomperts
24 ☐ Daniel Halevy
25 ☐ Susan Halevy
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27
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Lead Case No. 2:24-bk-12079-VZ

Jointly Administered with Case Nos.:

2:24-bk-12080-VZ; 2:24-bk-12081-VZ;
2:24-bk-12082-VZ; 2:24-bk-12091-VZ;
2:24-bk-12074-VZ; 2:24-bk-12075-VZ; and
2:24-bk-12076-VZ

Chapter 11

**ARCHWAY BROADWAY LOAN SPE,
LLC'S OBJECTION TO DEBTORS'
MOTION TO APPROVE DISCLOSURE
STATEMENT AND PLAN OF
REORGANIZATION**

Date: December 12, 2024
Time: 11:00 a.m.
Crtrm.: 1368
255 E. Temple Street
Los Angeles, CA 90012

Hon. Vincent P. Zurzolo

FRANZEL ROBINS BLOOM & CSATO, L.C.
1000 WILSHIRE BOULEVARD, NINETEENTH FLOOR
LOS ANGELES, CALIFORNIA 90017-2427
(323) 852-1000

1 Archway Broadway Loan SPE, LLC, a Delaware limited liability company, successor in
2 interest to Archway Real Estate Income Fund I REIT, LLC (“Archway”), submits this Objection
3 (“Objection”) to the *Motion to Approve Disclosure Statement and Plan of Reorganization*
4 (“Motion to Approve Disclosure Statement”) (Dkt. 306) filed in the lead case of those jointly-
5 administered debtors, Seaton Investments, LLC (“Seaton”), Colyton Investments, LLC
6 (“Colyton”), Broadway Avenue Investments, LLC (“Broadway”), SLA Investments, LLC
7 (“SLA”), and Negev Investments, LLC (“Negev” and collectively with Seaton, Colyton,
8 Broadway and SLA, the “Corporate Debtors”) and Alan Gomperts (“Mr. Gomperts”), Daniel
9 Halevy (“Mr. Halevy”), and Susan Halevy (“Ms. Halevy” and collectively with Mr. Gomperts and
10 Mr. Halevy, the “Individual Debtors” and collectively with the Corporate Debtors, the “Debtors”).

11 **I. Notice of the Motion to Approve Disclosure Statement is defective.**

12 Local Rule 9013-1(f)(1) provides that a response to a motion on regular notice must be
13 filed and served not later than 14 days before the designated date for hearing.

14 Here, the Motion to Approve Disclosure Statement states that the response deadline is
15 November 29, 2024, which is only 13 days before the December 12, 2024, hearing. Counting
16 backward from the December 12, 2024, hearing date, 14 days before the hearing is Thanksgiving,
17 November 28, 2024, which means that the response deadline is the next business day counting
18 backward or November 27, 2024. *See* Fed. R. Bankr. P. 9006(a)(5).

19 Accordingly, the Motion to Approve Disclosure Statement provide an incorrect response
20 deadline.

21 **II. The Notice of Disclosure Statement is also defective.**

22 The Notice of Hearing on Adequacy of Disclosure Statement (Dkt. 268) stated that the
23 deadline to respond to the Motion to Approve Disclosure Statement was November 21, 2024. This
24 date is also incorrect, and created confusion as to when the Debtors would be filing their motion to
25 approve the Disclosure Statement. Again, 14 days before the December 12, 2024, hearing falls on
26 November 27, 2024, not November 21, 2024.

27 Accordingly, Archway (and others) filed its opposition (Dkt. 305) to the disclosure
28 statement *before* the motion to approve the disclosure statement had even been filed.

1 Nowhere in the disclosure statement motion, notice, or elsewhere have the Debtors
2 provided accurate notice of the deadline to respond or object to the disclosure statement.

3 **III. Conclusion**

4 The Court should deny for defective notice.

5 DATED: November 27, 2024

FRANDZEL ROBINS BLOOM & CSATO, L.C.

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7 By: /s/ Gerrick M. Warrington
8 GERRICK M. WARRINGTON
9 Attorneys for Secured Creditor
10 ARCHWAY BROADWAY LOAN SPE, LLC
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 1000 Wilshire Boulevard, Nineteenth Floor, Los Angeles, CA 90017-2427.

A true and correct copy of the foregoing document entitled (*specify*):

ARCHWAY BROADWAY LOAN SPE, LLC'S OBJECTION TO DEBTORS' MOTION TO APPROVE DISCLOSURE STATEMENT AND PLAN OF REORGANIZATION

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) November 27, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Counsel to Party in Interest: Scott R Albrecht salbrecht@gsaattorneys.com, jackie.nguyen@sgsattorneys.com
- Counsel to KDM: Tanya Behnam tbehnam@polsinelli.com, tanyabehnam@gmail.com;ccripe@polsinelli.com;laddocketing@polsinelli.com
- Counsel to Party in Interest: Jacquelyn H Choi jacquelyn.choi@rimonlaw.com, docketingsupport@rimonlaw.com
- Counsel to Individual Debtors: Carol Chow Carol.Chow@saul.com, easter.santamaria@saul.com
- Counsel to Party in Interest: Robert F Conte robert.conte@usdoj.gov, caseview.ecf@usdoj.gov;usacac.tax@usdoj.gov
- Counsel to Individual Debtors: Ryan Coy ryan.coy@saul.com, hannah.richmond@saul.com
- Counsel to Party in Interest: Christopher Cramer secured@becket-lee.com
- Counsel to Individual Debtors: Turner Falk turner.falk@saul.com, tnfalk@recap.email
- Counsel to Archway: Michael G Fletcher mfletcher@frandzel.com, sking@frandzel.com
- Counsel to Party in Interest: Todd S. Garan ch11ecf@aldridgepate.com, TSG@ecf.inforuptcy.com;tgaran@aldridgepate.com
- Counsel to Party in Interest: Richard Girgado rgirgado@counsel.lacounty.gov
- Counsel to Party in Interest: Jacqueline L James jjames@hrhlaw.com
- Trial Counsel to U.S. Trustee: Kelly L Morrison kelly.l.morrison@usdoj.gov
- Counsel to Party in Interest: Avi Edward Muhtar amuhtar@crowndandstonelaw.com
- Counsel to Archway: Bruce D Poltrock bpoltrock@frandzel.com, achase@frandzel.com
- Counsel to Individual Debtors: Zev Shechtman Zev.Shechtman@saul.com, zshechtman@ecf.inforuptcy.com;hannah.richmond@saul.com
- Counsel to Corporate Debtors: Derrick Talerico dtalerico@wztslaw.com, maraki@wztslaw.com,sfritz@wztslaw.com,admin@wztslaw.com
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
- Counsel to Archway: Gerrick Warrington gwarrington@frandzel.com, achase@frandzel.com
- Counsel to Party in Interest: Jennifer C Wong bknotice@mccarthyholthus.com, jwong@ecf.courtdrive.com

☐ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) November 27, 2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Personal Delivery:

The Honorable Vincent P. Zurzolo
U.S. Bankruptcy Court
Roybal Federal Building
Bin outside of Suite 1360
255 E. Temple Street
Los Angeles, CA 90012-3332

Email:

Counsel to Corporate Debtors:

Derrick Talerico dtalerico@wztslaw.com

Counsel to Individual Debtors:

Zev Shechtman Zev.Shechtman@saul.com

Turner Falk turner.falk@saul.com

Ryan Coy ryan.coy@saul.com

United States Trustee:

Kelly L Morrison kelly.l.morrison@usdoj.gov

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 27, 2024	Annette Chase	/s/ Annette Chase
<i>Date</i>	<i>Printed Name</i>	<i>Signature</i>